

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE**

In re:

DONALD BRANDT,

Debtor.

DONALD BRANDT,

Plaintiff,

v.

**JULIANNE BORDEN and FARMERS &
MERCHANTS BANK,**

Defendants.

Case No. 09-08066-KL3-11

Adv. No. 309-0305A

Adv. No. 309-0416A

JUDGMENT AGAINST DEFENDANT JULIANNE BORDEN

This matter came before the Court for hearing on March 17, 2011, on the Debtor's application for damages against Defendant Julianne Borden, pursuant to the Court's instructions of December 15, 2010. Based on the submissions of counsel, on the arguments of the parties, on the Court's December 15, 2010, findings of fact and conclusions of law, and the record as a whole, the Court finds that judgment should be entered against Defendant Julianne Borden for actual fraud and civil conspiracy and for punitive damages, and damages awarded to the Debtor as follows:

1. Two thousand seven hundred dollars (\$2,700.00) for the funds obtained from the Debtor's bank account by Lowry Shrader via execution;
2. One hundred eighty-one dollars (\$181.00) in overdraft charges;
3. Three thousand, eight hundred three dollars and seventy-five cents (\$3,803.75) in attorney's fees related to the Debtor's representation by Lance Miller;
4. Seven hundred fifty dollars (\$750.00) in attorney's fees related to the Debtor's representation by Dennis Stanford;
5. Ninety percent (90%) of the eighteen thousand, five hundred thirty-seven dollars and thirty-eight cents (\$18,537.38) in fees paid to Scott Hurley, being sixteen thousand, six hundred eighty-three dollars and sixty-four cents (\$16,683.64);
6. Ninety percent (90%) of the eighty-five thousand, two hundred seventy-five dollars (\$85,275.00) in attorney's fees related to the Debtor's representation by Edward M. Graves, Jr., being seventy-six thousand, seven hundred forty-seven dollars and fifty cents (\$76,747.50);
7. Ninety percent (90%) of the eight thousand, three hundred fourteen dollars and ninety-four cents (\$8,314.94) in litigation expenses incurred as party of the representation of the Debtor by Edward M. Graves, Jr., being seven thousand, four hundred eighty-three dollars and forty-five cents (\$7,483.45);
8. Ninety percent (90%) of the one hundred sixty-six thousand, six hundred seventy-five dollars (\$166,675.00) in attorney's fees related to the Debtor's representation by the Law Office of David Day, P.C., being one hundred fifty thousand, seven dollars and fifty cents (\$150,007.50);
9. Ninety percent (90%) of the twenty-four thousand, four hundred seventy-five dollars and seventy-nine cents (\$24,475.79) in litigation expenses incurred as part of the

representation of the Debtor by the Law Office of David Day, P.C., being twenty-two thousand, twenty-eight dollars and twenty-one cents (\$22,028.21);

10. One hundred forty thousand dollars (\$140,000.00) in funds obtained by Defendant Julianne Borden pursuant to her check-kiting scheme;

11. One hundred fifty thousand dollars (\$150,000.00) resulting from the fraudulent transaction with Lowry Shrader devised by Defendant Julianne Borden; and

12. Five hundred thousand dollars (\$500,000.00) in total punitive damages related to both the check-kiting scheme and the fraudulent transaction with Lowry Shrader.

This results in a total compensatory award to the Debtor against Defendant Julianne Borden in the amount of five hundred seventy thousand, three hundred eighty-five dollars and ten cents (\$570,385.10) and a total punitive award in the amount of five hundred thousand dollars (\$500,000), and a total judgment of one million, seventy thousand, three hundred eighty-five dollars and ten cents (\$1,070,385.10) resulting from Defendant Julianne Borden's fraud.

This judgment shall become final upon entry, as there is no just reason for delay.

SO ORDERED.

**THIS ORDER WAS SIGNED AND ENTERED
ELECTRONICALLY AS INDICATED ABOVE.**

Approved for entry:

LAW OFFICE OF DAVID DAY, P.C.

By: /s/ David Day
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LAW OFFICE OF EDWARD M. GRAVES, JR.

By: /s/ Edward M. Graves, Jr.
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Attorney for Defendant Farmers & Merchants Bank

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of the foregoing document has been served upon the following by personal delivery, facsimile, first class mail, postage pre-paid, and/or the electronic filing system of this Court:

JULIANNE BORDEN
Inmate No. 18116-075
Victorville Medium II Federal Correctional
Institute
P.O. Box 5300
Adelanto, California 92301

Pro Se Defendant

This 12th day of May, 2011.

/s/ David Day